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EXAMINER

WOO, STELLA L

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17-23, 25-40, 42-64, 66-116, 121, 123-205 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. (US 4,799,156, hereinafter "Shavit") in view of Lockwood (US 5,576,951) for the same reasons given in the last Office action and repeated below.

Shavit discloses an electronic commercial transaction system (interactive market management system) for selectively enabling communication between members of plural groups (buyers 82, suppliers 84, distributors 83, etc.), comprising:

an interface (communications interface 79 permits on-line computer access by remote buyers 82 with market participants, such as sellers 83, 84, 86, 88, 94, 96, etc.; col. 5, line 39.- col. 6, line 51);

an input system (personal computers 62, 64 include keypads which allow remote buyers to designate the particular goods or service desired via a request for quotation (RFQ); col. 25, lines 28-33; col. 5, lines 43-47; col. 6, lines 39-51);

a memory (system 50 maintains user profiles for every user, col. 9, lines 52-68, and stores and logs every operation for each user ID, col. 11, lines 22-29);

whereby the control system subsequently electronically outputs by electronic mail to an indicated email address for electronic email communication relating to the interested buyer, an indication regarding said area of interest (system 50 provides email messages to each user, including bids in response to requests for particular goods or services input by the user, promotions, and other information of particular interest to buyers; col. 11, lines 52 – col. 12, line 26; col. 13, lines 25-27; col. 18, lines 44-49; col. 20, lines 2-39).

Shavit differs from the claims in that it does not specify the control system processing the input data to isolate at least one select vendor site from a plurality of vendor sites based on the area of commercial interest designated

by the buyer and an indication including select video data presentations. However, Lockwood teaches the desirability of having a central processor 222 select an appropriate vendor-supplied data source associated with the customer's request, col. 18, lines 51-54; col. 19, lines 52-53; col. 20, lines 36-39, for output to the customer as a high-resolution audio-visual presentation; col. 18, lines 9-56; col. 19, lines 13-24, 52-57) such that it would have been obvious to an artisan of ordinary skill to incorporate such vendor selection, as taught by Lockwood, within the system of Shavit in order to provide buyers with a more efficient means of selecting goods and services from a plurality of vendors by providing customized audio/video presentations based on the buyer's area of interest. In this way, the buyer need not manually select each distributor from which information is desired.

Response to Arguments

4. Applicant's arguments filed August 14, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Shavit and

Lockwood are from the same field of endeavor, that is, electronic commercial transactions systems which provide communication between vendors and buyers. In Shavit, a buyer must specify a particular distributor from a plurality of distributors when transmitting a request. In other words, in Shavit, the buyer's request is restricted to a distributor preselected by the buyer. Lockwood teaches the advantage of having a processor automatically select a vendor from a plurality of vendors based on the buyer's area of interest. It would have been obvious to an artisan of ordinary skill to automate the selection process, as taught by Lockwood, within the system of Shavit, thus, automating the selection process for the buyer as well as selecting from a broader range of vendors.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Regarding the added limitation reciting a "keypad," in Shavit, personal computers 62, 64 include keypads which allow remote buyers to designate the particular goods or service desired via a request for quotation (RFQ); col. 25, lines 28-33; col. 5, lines 43-47; col. 6, lines 39-51).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stella L. Woo/
Primary Examiner, Art Unit 2614